

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION

This Document Relates to: ALL CASES

Master Case No. 2:09-cv-00037-MJP

**STIPULATION, AGREED MOTION
AND ORDER MODIFYING BRIEFING
SCHEDULE ON PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

**NOTED ON MOTION CALENDAR:
February 3, 2011**

STIPULATION, AGREED MOTION AND ORDER MODIFYING
BRIEFING SCHEDULE ON PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION
(NO. 2:09-CV-0037-MJP) - 1

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

I. STIPULATION AND AGREED MOTION

Pursuant to the Scheduling Order entered by the Court on October 29, 2010, the current deadline for Lead Plaintiffs' Motion for Class Certification is February 11, 2011; the deadline for Defendants' Response to the Motion is March 25, 2011; and the deadline for Lead Plaintiffs' Reply is April 29, 2011. ECF No. 207.

Pursuant to Local Rules 7(d)(1) and 10(g), the parties jointly request to extend, by 28 days, the briefing schedule on Lead Plaintiffs' Motion for Class Certification, as follows:

Lead Plaintiffs Motion for Class Certification shall be due on March 11, 2011;

Defendants' Response to the Motion shall be due on April 22, 2011; and

Plaintiffs' Reply shall be due on May 27, 2011.

The Parties agree that this request for extension of the deadlines set forth in the Scheduling Order is justified in light of the fact that the Parties are currently devoting substantial time and effort preparing for mediation in this matter, which is scheduled for February 24, 2011. For the sake of efficiency, the Parties have chosen to mediate at this time in order to coordinate with mediation proceedings taking place between the parties to the MDL Action, No. 2:08-md-1919 MJP. The briefing deadlines for the Class Certification Motion that were previously proposed to the Court in the October 12, 2010 Joint Status Report, and were subsequently adopted in the Scheduling Order, were proposed with the expectation that this mediation would have occurred in December 2010, which would have not caused the present conflict. The Parties respectfully request this extension so that the Parties may focus their respective resources on the upcoming mediation.

The Parties further agree that this request for extension of the deadlines set forth in the Scheduling Order is justified in light of the fact Lead Plaintiffs have not yet received trade data necessary for briefing their Class Certification Motion. In the Parties' Joint Status Report, the February 11, 2011 deadline for Lead Plaintiffs to file their Class Certification

1 Motion was proposed by Lead Plaintiffs on the premise that the Parties would not experience
 2 “unforeseen issues” in their efforts to obtain trade data “from Washington Mutual entities
 3 due to its bankruptcy or from relevant third parties.”. ECF No. 200 at 7 n. 1. Because the
 4 Parties’ receipt of the trade data has been delayed, the Parties respectfully request this
 5 extension.

6 Importantly, should the Court grant the Parties’ motion, no other deadlines will be
 7 affected. Indeed, key deadlines in this matter are set well into the future. For instance, fact
 8 discovery does not close until December 1, 2011. Furthermore, the revised briefing dates for
 9 the Class Certification Motion, if granted, would promote judicial economy as the Court and
 10 its staff need not review Plaintiffs’ Motion if the parties can reach a settlement in the
 11 mediation.

12 For these reasons, the Parties respectfully request that the Court enter an order
 13 extending the briefing deadlines for Lead Plaintiffs’ Motion for Class Certification as
 14 detailed herein.

15 Dated: February 3, 2011

16 Respectfully submitted,

17 **TOUSLEY BRAIN STEPHENS PLLC**

18 By: /s/ Janissa A. Strabuk
 19 Kim D. Stephens, WSBA #11984
 20 Janissa A. Strabuk, WSBA #21827
 21 1700 Seventh Avenue, Suite 2200
 22 Seattle, Washington 98101
 23 Telephone: (206) 682-5600
 24 Facsimile: (206) 682-2992
 25 Email: kstephens@tousley.com
 26 jstrabuk@tousley.com

Liaison Counsel for Plaintiffs and the Proposed Class

27 STIPULATION, AGREED MOTION AND ORDER MODIFYING
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TOUSLEY BRAIN STEPHENS PLLC
 1700 Seventh Avenue, Suite 2200
 Seattle, Washington 98101-1332
 TEL. 206.682.5600 • FAX 206.682.2992

SCOTT+SCOTT LLP

Hal D. Cunningham (admitted pro hac vice)
707 Broadway, Suite 1000
San Diego, California 92101
Telephone: (619) 233-4565
Facsimile: (619) 233-0508
Email: hcunningham@scott-scott.com

Joseph P. Guglielmo (admitted pro hac vice)
500 Fifth Avenue, 40th Floor
New York, New York 10110
Telephone: (212) 223-6444
Facsimile: (212) 223-6334
Email: jguglielmo@scott-scott.com

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

Steven J. Toll
Julie Goldsmith Reiser
Joshua S. Devore (admitted pro hac vice)
Matthew B. Kaplan (admitted pro hac vice)
S. Douglas Bunch (admitted pro hac vice)
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
Email: stoll@cohenmilstein.com
jreiser@cohenmilstein.com
jdevore@cohenmilstein.com
mkaplan@cohenmilstein.com
dbunch@cohenmilstein.com

Joel P. Laitman (admitted pro hac vice)
Christopher Lometti (admitted pro hac vice)
Daniel B. Rehns (admitted pro hac vice)
150 East 52nd Street, Thirtieth Floor
New York, New York 10022
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
Email: jlaitman@cohenmilstein.com
clometti@cohenmilstein.com

STIPULATION, AGREED MOTION AND ORDER MODIFYING
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TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

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4
5
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9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

drehns@cohenmilstein.com

Lead Counsel for the Proposed Class

**HILLIS CLARK MARTIN & PETERSON,
P.S.**

By: /s/ Brian C. Free
Louis D. Peterson, WSBA #5776
Brian C. Free, WSBA #35788
1221 Second Avenue, Suite 500
Seattle WA 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789
Email: ldp@hcmp.com
bcf@hcmp.com

Of Counsel

BINGHAM MCCUTCHEN LLP


By: /s/ John D. Pernick
David M. Balabanian (admitted pro hac vice)
John D. Pernick (admitted pro hac vice)
Frank Busch (admitted pro hac vice)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: (415) 393-2000
Facsimile: (415) 393-2286
Email: david.balabanian@bingham.com
john.pernick@bingham.com
frank.busch@bingham.com

*Attorneys for Defendants WaMu Asset
Acceptance Corporation, WaMu Capital
Corporation, David Beck, Richard Careaga,
Rolland Jurgens, and Diane Novak*

1 **II. ORDER**

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3 **IT IS SO ORDERED.**

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5 Dated: February 3, 2011

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8 Marsha J. Pechman
9 United States District Judge

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TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below:

Steve W. Berman (Terminated) steve@hbsslaw.com, heatherw@hbsslaw.com,
robert@hbsslaw.com

Larry Steven Gangnes gangnesl@lanepowell.com, docketing-sea@lanepowell.com,
donnellyjoss@lanepowell.com, sebringl@lanepowell.com

David Daniel Hoff dhoff@tousley.com, efile@tousley.com

Stellman Keehn stellman.keehn@dlapiper.com, patsy.howson@dlapiper.com

Paul Joseph Kundtz pkundtz@riddellwilliams.com, mbergquam@riddellwilliams.com,
mduffy@riddellwilliams.com

Bruce Earl Larson blarson@karrtuttle.com, psteinfeld@karrtuttle.com

John D Lowery jlowery@riddellwilliams.com, dhammonds@riddellwilliams.com

Louis David Peterson ldp@hcmp.com, smp@hcmp.com

Stephen M. Rummage steverummage@dwt.com, jeannecadley@dwt.com

Kim D Stephens kstephens@tousley.com, cbonifaci@tousley.com, wcruz@tousley.com

Robert D Stewart stewart@kiplinglawgroup.com, cannon@kiplinglawgroup.com

Dennis H Walters dwalters@karrtuttle.com, wbarker@karrtuttle.com

Mike Liles, Jr mliles@karrtuttle.com

Steven P Caplow stevenaplow@dwt.com, chrisevo@dwt.com,
jasonSchattenkerk@dwt.com, patrickwatts@dwt.com, sheilarowden@dwt.com

Janissa Ann Strabuk jstrabuk@tousley.com, wcruz@tousley.com

Walter Eugene Barton gbarton@karrtuttle.com, danderson@karrtuttle.com,
nrandall@karrtuttle.com

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TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

1 Gavin Williams Skok gskok@riddellwilliams.com, dhammonds@riddellwilliams.com

2 David M Balabanian david.balabanian@bingham.com

3 Douglas C McDermott doug@mcdermottnewman.com, eric@mcdermottnewman.com

4 Steven J Toll stoll@cohenmilstein.com, efilings@cohenmilstein.com

5 John D Pernick john.pernick@bingham.com

6 Brian C Free bcf@hcmp.com, gcp@hcmp.com

7 Rogelio Omar Riojas omar.riojas@dlapiper.com, karen.hansen@dlapiper.com,
8 nina.marie@dlapiper.com

9 Timothy Michael Moran moran@kiplinglawgroup.com, cannon@kiplinglawgroup.com

10 Arthur L Shingler ashingler@scott-scott.com, efile@scott-scott.com

11 Richard A Speirs rspeirs@cohenmilstein.com

12 Bradley T. Meissner bradley.meissner@dlapiper.com

13 Mary Kay Vyskocil mvykocil@stblaw.com

14 Barry Robert Ostrager bostrager@stblaw.com, managingclerk@stblaw.com

15 Richard F Hans richard.hans@dlapiper.com, dorinda.castro@dlapiper.com

16 Kerry F Cunningham kerry.cunningham@dlapiper.com

17 Corey E Delaney corey.delaney@dlapiper.com, kerry.cunningham@dlapiper.com,
18 patrick.smith@dlapiper.com, richard.hans@dlapiper.com

19 S Douglas Bunch dbunch@cohenmilstein.com

20 Darren J Robbins e_file_sd@csgrr.com

21 Jonathan Gardner jgardner@labaton.com

22 Hollis Lee Salzman (Terminated) hsalzman@labaton.com,
23 ElectronicCaseFiling@labaton.com

24 Daniel B Rehns drehns@cohenmilstein.com, efilings@cohenmilstein.com

25 Joel P Laitman jlaitman@cohenmilstein.com

26 STIPULATION, AGREED MOTION AND ORDER MODIFYING
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(NO. 2:09-CV-0037-MJP) - 8

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

1 Christopher E Lometti clometti@cohenmilstein.com

2 Michael H. Barr mbarr@sonnenschein.com

3 Kenneth J Pfaehler kenneth.pfaehler@snrdenton.com, nicole.reeber@snrdenton.com

4 Leslie D Davis ldavis@sonnenschein.com

5 Kevin P Chavous kchavous@sonnenschein.com

6 Joseph A. Fonti (Terminated) jfonti@labaton.com, ElectronicCaseFiling@labaton.com

7 Paul Scarlato pscarlato@labaton.com, ElectronicCaseFiling@labaton.com

8 Serena Richardson (Terminated) srichardson@labaton.com,
9 ElectronicCaseFiling@labaton.com

10 Frank Busch frank.busch@bingham.com, frank.downing@bingham.com,
11 theo.robins@bingham.com

12 Hal D Cunningham hcunningham@scott-scott.com, efile@scott-scott.com,
13 halcunningham@gmail.com

14 Julie Hwang (Terminated) jhwang@labaton.com, ElectronicCaseFiling@labaton.com

15 Joseph P Guglielmo jguglielmo@scott-scott.com, efile@scott-scott.com

16 Kenneth M Rehns krehns@cohenmilstein.com

17 Adam Zurofsky azurofsky@cahill.com

18 Tammy Roy troy@cahill.com

19 Floyd Abrams fabrams@cahill.com

20 James J. Coster jcoster@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com

21 Joshua M. Rubins jrubins@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com

22 Brian O. O'Mara bomara@csgrr.com

23 Joshua S. Devore jdevore@cohenmilstein.com, efilings@cohenmilstein.com

24 Matthew B. Kaplan mkaplan@cohenmilstein.com, efilings@cohenmilstein.com

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(NO. 2:09-CV-0037-MJP) - 9

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

1 Julie Goldsmith Reiser jreiser@cohenmilstein.com

2 **2:09-cv-00037-MJP Notice will not be electronically mailed to:**

3 WaMu Officer Defendants Securities MDL

4 **2:09-cv-00134-MJP Notice has been electronically mailed to:**

5 Bruce Earl Larson dwalters@karrtuttle.com

6 Naumon A Amjed namjed@btkmc.com, knguyen@btkmc.com

7 John A. Kehoe jkehoe@btkmc.com

8 Sharan Nirmul snirmul@btkmc.com

9 Andrew B Brettler (Terminated) abrettler@gmail.com

10 **2:09-cv-00134-MJP Notice will not be electronically mailed to:**

11 WaMu Officer Defendants Securities MDL

12 **2:09-cv-00137-MJP Notice has been electronically mailed to:**

13 Christopher M Huck huck@pypfirm.com, dana@pypfirm.com

14 **2:09-cv-00137-MJP Notice will not be electronically mailed to:**

15 WaMu Officer Defendants Securities MDL

16 **2:09-cv-01557-MJP Notice has been electronically mailed to:**

17 Gavin Williams Skok azurofsky@cahill.com, fabrams@cahill.com, troy@cahill.com

18 **2:09-cv-01557-MJP Notice will not be electronically mailed to:**

19 **2:10-cv-00990-JCC Notice has been electronically mailed to:**

20 Joel E. Wright jw@leesmart.com, sm@leesmart.com

21 John M Casey jcasey@curranfirm.com, kchurch@curranfirm.com

22 Marc Rosenberg mr@leesmart.com, Lawyermarc@comcast.net

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26 (NO. 2:09-CV-0037-MJP) - 10

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992

1 Michael T. Pines info@pinesandassociates.com, michaelpines@gmail.com

2 By: /s/ Janissa A. Strabuk

3 Kim D. Stephens, WSBA #11984

4 Janissa A. Strabuk, WSBA #21827

5 Nancy A. Pacharzina, WSBA #25946

6 1700 Seventh Avenue, Suite 2200

7 Seattle, Washington 98101

8 Telephone: (206) 682-5600

9 Facsimile: (206) 682-2992

10 Email: kstephens@tousley.com

11 jstrabuk@tousley.com

12 npacharzina@tousley.com

13 *Liaison Counsel for Plaintiffs and the Proposed*
14 *Class*

15
16
17
18
19
20
21
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Seattle, Washington 98101-1332
TEL. 206.682.5600 • FAX 206.682.2992